



In the United States District Court  
for the Western District

Denny De Jesus, # 10B2030 - pro-se,  
plaintiff

V

R. malloy, Correctional  
officer.

Defendant.

Motion for

An order  
Compelling  
Discovery

16-cv-6470

Plaintiff moves this court for an order pursuant to Rule 37(a) of the Federal Rules of Civil procedures compelling Defendant, R. malloy, Correctional officer to produce for inspection and copying the following documents:

#1 The plaintiff Ask for Copies of The OSI file that he was only Able to view, plaintiff seeks Copies of the Complete OSI file Case # SCV1510459. The Defendants Had to 2-7-2020 to Reply to my initial motion, But Defendant never Responded And I need those Documents, to properly fight my case Against Dispositive motion And Trial.

(1)



#2. plaintiff seeks copy of Call-out Sheet for law library on 6-12-2015 during mod-2, plaintiff initially asked for this Document on 12-9-2019 in A Request For production of Documents motion, in which the Defendant said that Doccs Does not Allow inmates to possess pictures or names of other inmates, But in this case Since the inmate will Be A potential witness in my case, if the Court doesn't give the Plaintiff to possess and view the pictures and name like I was Able to view The OSI file, which I would prefer, Because it won't Be in my possession, But I'll at least see the pictures to make sure I have the Right inmate And remember His name to Be A potential witness at trial. if that is not possible I Ask the court to do A in camera view of the pictures of All the inmates at law library the day said, And give the Plaintiff the name of the inmate the plaintiff seeks, His Description is He is Calcasian, older, long white Beard And looks like Santa Claus But that was in 2015, He has Also Been in prison for approx over 20 years, if he is not on A Regular call-out he should Be on Special access on the Bottom of Callout.



- #3. plaintiff Asked Defendant for A Copy of All Complaints, grievances and investigations filed Againsts Him By other inmates pertaining to Sexual Assault, Assault, Harrassment and use of force while employed By Doccs on 1-11-2020. Plaintiff needs these Documents to Help Him Argue Dispositive motion And at trial, So the plaintiff Can Show that the Defendant Has Violated other inmate's Rights and to Show plaintiff is not the only inmate the Defendant Violated.
- #4. plaintiff Asked Defendat for A Copy of the Case names Doctor Dinello Testified in a s An expert Witness on Behalf of Doccs, As it is my Right to Know the Cases the Defendant's expert witness Testified in.
- #5. plaintiff Asked Defendant for A Copy of His expert Witness Testimony in the 12 Civil Cases he Testified in on Behalf of Doccs on 1-11-2020 and has not Recieved ~~no~~ Documents or Heard Back from the Defendants, And plaintiff needs the Copies to See and understand what Dr. Dinello Testified about in those Cases.



#6. plaintiff Asked Defendant for A copy of His expert witness cross examination Testimony in the 12 civil cases he was an expert witness for Doccs on 1-11-2020 and has not Received Said Documents or Heard Back from the Defendants. plaintiff Ask's for These Documents to Help Him Show at Dispositive motion and trial that the expert witness the Defendant Has, Has Been Caught in Contradicting Statements and or Caught lying, As A expert witness for Doccs.

#7 plaintiff Asked Defendant for A copy of Doctor Dinello's qualification, Reports and His opinion on the 12 Cases he Testified in for Doccs on 1-11-2020, And Defendant has not Sent Said Documents or Heard Back from the Defendants. plaintiff Ask's for these Documents to Help Him Show at Dispositive motion and trial that The opinions the Defendants expert witness gave in the 12 civil cases he Testified in were not Based on facts, And His Testimony was Based on Trying to Help Doccs Win the civil case no matter what was needed to Be Said.



#8 plaintiff Asked Defendant on 1-11-2020 in A Production of Documents motion for the name and position of the medical Staff member at five points that Seen the plaintiff at Sick Call on 6-18-15 at 5:30Am and wrote the progress note in plaintiffs medical Records. plaintiff needs the name/position of that Staff member Because plaintiff will ~~use~~ use that Staff member in question at trial and maybe in Dispositive motion Because in my medical file this Staff member wrote in my medical file my Testicals were Swollen, which Contradicts what the Defendant is Stateing, That I had no Swollen of the Testicals.

#9. plaintiff Asked Defendant on 1-11-2020 in A Production of Documents motion for A Copy of all Complaints, grievances and investigations on Doctor Dinello while employed for Doccs, for medical neglect, wrong diagnosis, failure to Treat, and Any Treat ment issues By DR. Dinello. plaintiff needs these documents to Show that DR. Dinello Has A Consistant issue with Treating Inmates And giveing wrong



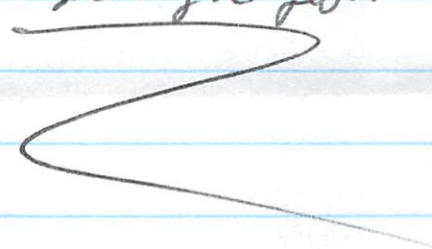
Con #9. diagnosis on inmate's Treatments or medical  
Issues.

~~the~~ plaintiff Submitted a Written Request for these  
documents, pursuant to Rule 34 of the federal  
Rules of Civil procedure on 12-9-2019, And 1-11-2020  
But have not yet Recieved the documents.

Dated: 2-27-2020

C.L. AAG  
clerk's office

Respectfully Submitted,  
Denny De Jesus  
10B2630  
At Elmira Corr Facility

Denny De Jesus  




Hon. Marian W. Payson,

2-27-20

Hi I am writing this letter, Because to the opposition to plaintiff's motion Regarding expert witness, it was not put if I can Reply to Defendant opposition So I'm writing you A letter instead of A motion. OK what the Defendants ARE claiming in there motion is either false, or my words were Taken out of Context, let me explain, OK in # 4 of Defendants motion, it Says I neve Recieved Emergency Sick Call, But I wrote to them explaining that I did not feel comfortable TALKing to them At Sick Call Because an officer will Hear every thing and I feared Retaliation, And to Request Sick Call I must inform A officer Why I want Sick Call "emergency", And like I Said I feared Retaliation, And I was TAKen to medical Saturday night / Sunday early morning. Also #4 States no Swelling on my Records which is false, look At the exhibits I enclosed, I wanted to save this prove for Dispositive motions, But I need An expert So, Here I Show you, that not only did the doctor I Seen on 6-15-2015 put on my medical file

(1)



"Swollen of Testicals noted", which means she noted my Testicals were Swollen, But my other medical document enclosed states "provider found to have swollen", But it fully states, "was evaluated on 6/15/15 for this claimed incident by A provider - found to have swelling, which the Document By Dr. Belgard is the one that evaluated me on 6/15/15 as you see the document, Both Documents say my Testicals were Swollen. On Another note, the Defendant might have been cleared by Docs of any wrong doing As Defendant says in #6, But As you know from the Beginning my incident was covered up, And said that I was never even pat-frisked even After I put in my appeal to the Superintendent the exact camera angle And foil number to view the footage and my discription, But was still covered up, even after plaintiff Asked AAG Hillel to view camera my mother sent, it wasn't untill plaintiff wrote to the Judges Chamber's Breaking every thing Down, And to view the Video, then the AAG said, the facility said that the Footage they had was not the same the facility received from my mother. Also



I feel my words are Being TAKEN out of Context, I did state that if no expert agrees with my injuries that I won't have him As A Witness, But it's Common Sense Your Honor, would the AAG put Someone on the Stand or to Be An expert if they will contradict what the AAG is stating? Of course not, So why would I put Someone that will not Help my Case? And Also I Stated if none Agree with me then there will Be ~~no~~ no point to Have them at trial if they will Hurt me. Also one more point, if A expert is Appointed for me, I would not under no circumstances want A Doc's employee or past employee for I feel Doc's employee All work together And will not feel Comfortable Having A Doc's ~~As~~ As A expert Witness, if one is appointed and is not A Doc's employee or Has Been A Doc's employee in the past, I'll except Any expert witness no matter what the opinion is of my injury Because I know for 100% fact my incident And injury Happened Because of Defendant R. Malloy.

Date- 2-27-2020  
C.C. Clerk  
AAG

(3)

Respectfully Submitted,  
Denny De Jesus  
10B2030



FORM 3105A (7/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

## AMBULATORY HEALTH RECORD PROGRESS NOTE

|                               |                       |                                    |                              |
|-------------------------------|-----------------------|------------------------------------|------------------------------|
| Name<br><u>DTJTSUS, Denny</u> | DIN<br><u>10B2030</u> | Date of Birth<br><u>11/24/1988</u> | Facility Name<br><u>FPCF</u> |
|-------------------------------|-----------------------|------------------------------------|------------------------------|

Subjective: patient requesting ibuprofen for Last Name DTJTSUS, Denny  
continued pain in bilateral testicles. DIN 10B2030 Location 10-B2-33T

Objective: states he was inappropriately Date 6/18/15 Time 530 AM  
pat frisked on 6/18/15 was evaluated Provider Orders:

Assessment: 6/15/15 for mis claimed incident by a provider - found found  
to have swelling. urine dip ⊕ for blood 6/14/15 at 3 AM. Hx

Plan: FIN U/A c/s today. ibuprofen dispensed per request. chart  
to provider to notify of continued testicular pain

Signature/Provider # [Signature] RN Transcribing Order/Provider #/Date/Time \_\_\_\_\_

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Subjective: Last Name [Signature]  
DIN 10B2030 Location 10B233T

Objective: Date 6/18/15 Time 1240 P  
Provider Orders:

Assessment: US testicles requested

Plan:

Signature/Provider # [Signature] RN Transcribing Order/Provider #/Date/Time \_\_\_\_\_

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Subjective: Last Name DTJTSUS, Denny  
SK no show ptr stability DIN 10B2030 Location 10-B2-33T

Objective: Date 6/22/15 Time 530 AM  
Provider Orders:

Assessment:

Plan: FIN SK PRN

Signature/Provider # [Signature] RN Transcribing Order/Provider #/Date/Time \_\_\_\_\_

Continue entry into next box if necessary.



**PROGRESS NOTES**

(To be used by all Health Providers)

De Jesus, Denny

10B2030

Patient's Name

DIN#

Facility

| Date    | Time Incl.<br>AM/PM | Health Provider Progress Notes (Use Black Ink) Complete with Signature/Credentials<br><u>Do Not Leave Blank Lines Between Entries</u>  | Provider ID# |
|---------|---------------------|--|--------------|
|         | 0730                | Admitted Injuries 4/14/15 p/c bungee<br>"ouches" - c/o urinary pain & bleeding<br>testicular pain - Dr. DeNicollo called by<br>phys & admitted to Inpatient. Further<br>notes. Patient's name & address<br>when he came again - cl. yellow urine<br>c/o testicular pain that is constant &<br>down penis. Penetrated urethra w/ +<br>Nec for all except "Fracture Bd. DeNicollo"   |              |
| 6/15/15 | 11:15<br>Physician  | Inmate seen in nurse. Claims on Friday<br>at 1300 he was going to law library, and during<br>pat search an officer reached into his briefs,<br>and forcefully squeezed his testicles & penis.<br>He states after this, he had "testicular<br>swelling", redness and pain. He also states<br>he had gross hematuria. This has resolved.<br>But UA was @ blood. Pain has ↓.<br>(S) Aox3, NAD.<br>no redness (swelling of testicles noted)<br>uncircumsized ♀ - no lesions/redness.<br>urethral meatus wne. No blood/discharge. |              |

Provider wrote this

**INFIRMARY PHYSICIAN NOTE REQUIREMENTS**

New Admission - 1st two weeks, 3 notes/week

Continuing - 1/week or more frequently as indicated by Plan of Care

**RMU - PHYSICIAN NOTE REQUIREMENTS**

Ill Patients - As needed based on clinical judgement

Routine Patient Encounters - Minimum 1/week or more frequently  
as indicated by Plan of Care**ANCILLARY SERVICES (DOCS STAFF)**(Psychologists, physical therapists, speech pathologists, occupational  
therapists, clinical nutrition staff, etc.) Whenever a range of services are  
provided on a routine basis (single visits done on Consultation Rpt.)**INFIRMARY NURSING NOTE REQUIREMENTS**

New Admission - Once per shift for first 48 hours

Seriously ill - Once per shift

Chronically ill - Once per 24 hours

**RMU NURSING NOTE REQUIREMENTS**

New Admission - Once per shift for first 48 hours

Critically ill - Once per shift, more frequently as condition warrants

Chronically ill - Every shift by Nurse in Charge to document findings of  
Nurse's Health Care Assistant (HCA), by HCA when vital signs taken, Monthly  
by Primary Care Nurse including complete assessment, Periodically to document  
encounters, i.e. changes in patient status, PRN medication administration includ-  
ing reason and reaction, refusal of treatment and visitors.



**PROGRESS NOTES**

(To be used by all Health Providers)

*DeSena, Denny*

Patient's Name

DIN#

Facility

| Date | Time Incl.<br>AM/PM | Health Provider Progress Notes (Use Black Ink) Complete with Signature/Credentials<br><small>Do Not Leave Blank Lines Between Entries</small> | Provider ID# |
|------|---------------------|---|--------------|
|------|---------------------|---|--------------|

#p Alleged sexual assault (multiple for this inmate)  
genital exam unremarkable  
TO be evaluated by psych  
Send UA/CNs. repeat UA  
3mos.

*Belgar*

~~1/15 16025 Discharge - will be back in  
max for 100+ will get some  
further info.~~

ELMIRA CORRECTIONAL FACILITY

P.O. BOX 500

ELMIRA, NEW YORK 14902-0500

ELMIRA

NAME: Denny De Jesus DIN: 1082430

CORRECTIONAL FACILITY

CORRECTIONAL FACILITY

Elmira

neopost

02/28/2020

US POSTAGE

\$000.65

FIRST-CLASS MAIL



Correctional Facility



ZIP 14901  
041L11251115

U.S. District Court

United States Courthouse

Rochester, NY 14614-1387

Legal

Mail



1461439996 C002





NEW YORK STATE  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
OFFENDER CORRESPONDENCE PROGRAM

NAME: Denny De Jesus DIN: 1062030

legal mail!

